BREAD (AMENDMENT) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

(a) to authorise the Minister to declare an area in certain parts of the State to be a bread zone in which the sale of bread is restricted to—

(i) bread manufactured, prepared and baked in the zone or outside the State;

(ii) bread sold pursuant to agreements between bread manufacturers within the zone and bread manufacturers or distributors outside the zone who have previously been delivering bread to the zone for sale; or

(iii) certain other bread

(Schedule 1);

(b) to increase penalties for breaches of the Bread Act, 1969 (Schedule 2 (1)–(5), (7));

(c) to provide that penalties imposed for breaches of the Bread Act, 1969, may be recovered as a debt instead of being enforceable by imprisonment (Schedule 2 (6));

(d) to provide that industrial awards for the making and baking of bread may be made pursuant to the Bread Act, 1969, in respect of female as well as male employees (Schedule 3 (2));

(e) to provide that an industrial award fixing the starting and ceasing times for the delivery of bread to purchasers shall, with certain exceptions, fix the same times for the whole of New South Wales (Schedule 3 (3));

(f) to provide that a person breaches the Bread Act, 1969, if he delivers bread to a purchaser outside the times fixed by an award referred to in paragraph (e), but that he is no longer in breach of that Act if he leaves a bakehouse or distribution centre with bread outside the times so fixed (Schedule 3 (1) and (4));

(g) to amend the Bread Act, 1969, by way of statute law revision (Schedule 4); and

(h) to enact certain savings and transitional provisions (Schedule 5).

71337F 178—

BREAD (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Bread Act, 1969, with respect to zoning for bread manufacturers and to penalties, and in other respects.

[MR HILLS—22 *November*, 1979.]

71337F 178—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Bread (Amendment) Act, 1979". Short title.

2. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.

10 SCHEDULE 2.—AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES.

SCHEDULE 3.—AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO TIMES FOR BAKING AND DELIVERY OF BREAD.

15 SCHEDULE 4.—AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 5.—SAVINGS AND TRANSITIONAL PROVISIONS.

3. The Bread Act, 1969, is amended in the manner set forth in Schedules 1–4. Amendment of Act No. 54, 1969.

20 **4.** Schedule 5 has effect. Savings and transitional provisions.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.

(1) Section 2—

After the matter relating to Part III, insert :—

PART IIIA.—BREAD—ZONING—*ss.* 14A–14E.

(2) Section 12 (9) (b)—

After "13,", insert "14D,".

(3) Part IIIA—

After Part III, insert :—

PART IIIA.

BREAD—ZONING.

Interpretation: Pt. IIIA.

14A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

"bread" does not include—

(a) bread of which at least 60 per cent of the flour or mill content is rye flour or rye mill; and

(b) bread of a prescribed class;

"bread zone" means an area declared to be a bread zone by an order in force under this Part;

"franchise agreement" means an agreement referred to in section 14C (b) (i), and includes—

(a) the renewal of any such agreement; and

(b) an agreement of a prescribed class;

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.—*continued.*

"sell" includes offer for sale, expose for sale and have in possession for the purpose of sale.

Declaration of area as bread zone.

14B. (1) Subject to this Part, the Minister may, by order published in the Gazette, declare that an area in New South Wales specified in the order is a bread zone for the purposes of this Part.

(2) An area shall not be declared to be a bread zone if the area, or any part of the area, is in—

(a) the County of Cumberland; or

(b) the County of Northumberland or that part of the City of Newcastle which is outside the County of Northumberland.

(3) An order under subsection (1) takes effect on and from the date the order is published in the Gazette or a later date specified in the order.

Conditions precedent to declaration of area as bread zone.

14C. An area shall not be declared to be a bread zone unless—

(a) there is at least one bread manufacturer who manufactures, prepares and bakes bread in the area;

(b) where, during the period of 3 months before the area is declared to be a bread zone, a person sold bread in the area in the course of his business as a bread manufacturer or bread distributor and that bread was manufactured, prepared or baked in a place in New South Wales that is outside the area—

(i) that person and a bread manufacturer referred to in paragraph (a) have entered

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.—*continued.*

into an agreement which, in the opinion of the Minister, provides for the continuation of the sale of bread in the area by that person; or

(ii) the bread manufacturers referred to in paragraph (a) have, in the opinion of the Minister, taken all reasonable steps to enter into such an agreement; and

(c) the Minister is satisfied that, after the area is declared to be a bread zone, there will be sufficient bread of a satisfactory quality and variety available for sale in the area to meet the requirements of residents in the area.

Restriction on sale of bread in bread zone.

14D. (1) A person shall not sell any bread in a bread zone unless—

(a) the bread was manufactured, prepared and baked in the bread zone;

(b) the bread is sold pursuant to a franchise agreement;

(c) the bread was previously sold in the bread zone pursuant to a franchise agreement;

(d) the bread was manufactured, prepared or baked outside the bread zone by a person who had, before the area was declared to be a bread zone, purchased the business of a bread manufacturer who manufactured, prepared and baked bread in that area; or

(e) the sale of the bread is exempted from the provisions of this section by the regulations.

Penalty: for a first offence, $350; for a second offence, $750; for a subsequent offence, $1,500.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.—*continued.*

(2) It is a defence to a prosecution for an offence arising under subsection (1) if the defendant proves that—

(a) he obtained the bread to which the information relates from another person; and

(b) he did not know, and had no reasonable cause for believing, that the bread was not such as might be sold without his committing an offence under subsection (1).

(3) Subsection (1) does not apply to the sale of—

(a) bread manufactured, prepared or baked outside New South Wales; or

(b) food prepared with bread.

Revocation of order declaring an area to be a bread zone.

14E. The Minister may revoke an order declaring an area to be a bread zone at any time and for any reason he thinks fit and, in particular, may revoke such an order if he is satisfied that—

(a) there is insufficient bread of a satisfactory quality and variety available for sale in the bread zone to meet the requirements of residents in the bread zone;

(b) a bread manufacturer who manufactures, prepares and bakes bread in the bread zone—

(i) has contravened any provision of this Act or the regulations; or

(ii) has not carried out his obligations under a franchise agreement; or

(c) bread is no longer manufactured, prepared and baked in the bread zone.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.—*continued.*

(4) (a) Section 23 (1) (b)—

5 Omit "and".

(b) Section 23 (1) (c)—

Omit "manufacturing.", insert instead "manufacturing; and".

(c) Section 23 (1) (d)—

10 After section 23 (1) (c), insert :—

(d) when so directed by the Minister, to make recommendations to the Minister in respect of the declaration of an area as a bread zone under Part IIIA.

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15 SCHEDULE 2. Sec. 3.

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES.

(1) Section 13 (6)—

Omit "One hundred dollars", insert instead "$300".

20 (2) Section 19A (1)—

Omit "for a first offence, $200; for a second offence, $400; for a subsequent offence, $1,000", insert instead "for a first offence, $350; for a second offence, $750; for a subsequent offence, $1,500".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES—*continued.*

(3) Section 19B (1)—

5 Omit "$200", insert instead "$300".

(4) Section 19C (2)—

Omit "$200", insert instead "$300".

(5) Section 29 (1)—

Omit "one hundred dollars, for a second offence to a
10 penalty not exceeding two hundred and fifty dollars, and for a third or subsequent offence to a penalty not exceeding five hundred dollars", insert instead "$350, for a second offence to a penalty not exceeding $750, and for a third or subsequent offence to a penalty not exceeding $1,500".

15 (6) Section 30 (5A)—

After section 30 (5), insert :—

(5A) Notwithstanding anything in any Act, where any person other than a corporate body is, by any conviction or order, adjudged to pay any fine, penalty, sum of money
20 or costs in respect of an offence, section 82 of the Justices Act, 1902—

(a) operates in respect of that person in the same way as it would operate if that person were a corporate body; and

25 (b) except as provided by paragraph (a), has no operation in respect of that person.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES—*continued.*

(7) Section 32 (2)—

5 Omit "forty dollars", insert instead "$100".

SCHEDULE 3. Sec. 3.

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO TIMES FOR BAKING AND DELIVERY OF BREAD.

(1) Section 5 (1), definition of "distribution centre"—

10 Omit the definition.

(2) Section 6 (2)—

Omit "male".

(3) (a) Section 8 (2) (b)—

Omit "different areas,".

15 (b) Section 8 (2) (c)—

Omit "an area", insert instead "New South Wales".

(4) (a) Section 9 (1)—

Omit the subsection.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO TIMES FOR BAKING AND DELIVERY OF BREAD—*continued.*

(b) Section 9 (2)—

Omit the subsection, insert instead :—

(2) For the purposes of this section, a person delivers bread if for any purpose of, or in the course of, trade or sale he delivers, either by himself or by his employee or agent, bread by vehicle or other receptacle to a purchaser, other than his employer, whether the bread was manufactured, prepared or baked in or outside New South Wales.

(c) Section 9 (3)—

Omit the subsection.

(d) Section 9 (4) (c)—

Omit "an area", insert instead "any part of New South Wales".

(e) Section 9 (4) (c)—

Omit "that area", insert instead "that part of New South Wales".

SCHEDULE 4.

Sec. 3.

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION.

(1) Section 4 (1), definition of "Under Secretary"—

Omit "Department of Labour and Industry", insert instead "Department of Industrial Relations and Technology".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(2) (a) Section 5 (1), definition of "employee"—

Omit "and 'employed' has a corresponding meaning;".

(b) Section 5 (2) (c)—

Omit "City of Greater Wollongong", insert instead "City of Wollongong".

(3) (a) Section 6 (4) (d) (ii)—

Omit "City of Greater Wollongong", insert instead "City of Wollongong".

(b) Section 6 (5)—

Omit "subparagraph (ii) of paragraph (d) of subsection (4)", insert instead "subsection (4) (d) (ii)".

(4) (a) Section 7 (3), definition of "area"—

Omit "subsection (2) of section 5", insert instead "section 5 (2)".

(b) Section 7 (3), definition of "area"—

Omit "subsection (2) of section 6", insert instead "section 6 (2)".

(c) Section 7 (3), definition of "prescribed baking hours"—

(i) From paragraph (a), omit "subparagraph (i) of paragraph (d) of subsection (4) of section 6", insert instead "section 6 (4) (d) (i)".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(ii) From paragraph (b), omit "subparagraph (ii) of that paragraph", insert instead "section 6 (4) (d) (ii)".

(iii) From paragraph (c), omit "subsection (2) of section 6", insert instead "section 6 (2)".

(5) (a) Section 8 (2) (d) (ii)—

Omit "City of Greater Wollongong", insert instead "City of Wollongong".

(b) Section 8 (3)—

Omit "subparagraph (ii) of paragraph (d) of subsection (2)", insert instead "subsection (2) (d) (ii)".

(6) (a) Section 9 (4) (a)—

Omit "subparagraph (i) of paragraph (d) of subsection (2) of section 8", insert instead "section 8 (2) (d) (i)".

(b) Section 9 (4) (b)—

Omit "subparagraph (ii) of that paragraph", insert instead "section 8 (2) (d) (ii)".

(7) Section 10 (2) (c)—

Omit "same Act", insert instead "same act".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(8) (a) Section 11 (4)—

5 Omit "subparagraph (i) of paragraph (d) of subsection (4) of section 6 or subparagraph (i) of paragraph (d) of subsection (2) of section 8", insert instead "section 6 (4) (d) (i) or section 8 (2) (d) (i)".

10 (b) Section 11 (4)—

Omit "paragraph (a) of subsection (2) of section 74 thereof", insert instead "section 74 (2) (a) of that Act".

(9) Section 17 (3) (a)—

15 Omit "Department of Public Health, the Department of Labour and Industry", insert instead "Health Commission of New South Wales, the Department of Industrial Relations and Technology".

(10) (a) Section 22 (8)—

20 Omit "subsection (5) of section 21", insert instead "section 21 (5)".

(b) Section 22 (13)—

Omit "subsection (5) of section 21", insert instead "section 21 (5)".

25 (11) (a) Section 26 (1) (b)—

Omit "subsection (1) of section 25", insert instead "section 25 (1)".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 26 (1) (b)—

Omit "subsection (3) of section 24", insert instead "section 24 (3)".

(12) Section 27 (3)—

Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".

(13) Section 32 (1) (k)—

Omit "paragraphs (a) and (b) of subsection (1) of section 23", insert instead "section 23 (1) (a) and (b)".

(14) (a) Schedule 3—

Omit "subsection (3) of section 24", insert instead "section 24 (3)".

(b) Schedule 3—

Omit "subsection (1) of section 25", insert instead "section 25 (1)".

SCHEDULE 5.

Sec. 4.

SAVINGS AND TRANSITIONAL PROVISIONS.

Recovery of penalties.

1. Section 30 (5A) of the Bread Act, 1969, as inserted by this Act, does not apply to a conviction or an order made before the commencement of this Act.

SCHEDULE 5—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

2. An award made under the Industrial Arbitration Act, 1940, for the purposes of section 6 (2) of the Bread Act, 1969, and in force immediately before the commencement of this Act, shall be deemed to have been made for the purposes of that subsection, as amended by this Act.

Awards for the making and baking of bread.

3. (1) In this clause, "award" means an award made under the Industrial Arbitration Act, 1940, fixing starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers and in force immediately before the commencement of this Act.

Awards for the delivery of bread.

(2) Any provision in an award which is inconsistent with Part II of the Bread Act, 1969, as amended by this Act, shall, to the extent of the inconsistency, have no force or effect.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979
[32c]

New South Wales

ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

* *

Act No. 163, 1979.

An Act to amend the Bread Act, 1969, with respect to zoning for bread manufacturers and to penalties, and in other respects. [Assented to, 12th December, 1979.]

P 73418E [32c]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Bread (Amendment) Act, 1979".

Schedules.

2. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.

SCHEDULE 2.—AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES.

SCHEDULE 3.—AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO TIMES FOR BAKING AND DELIVERY OF BREAD.

SCHEDULE 4.—AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 5.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 54, 1969.

3. The Bread Act, 1969, is amended in the manner set forth in Schedules 1–4.

Savings and transitional provisions.

4. Schedule 5 has effect.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS.

(1) Section 2—

After the matter relating to Part III, insert :—

PART IIIA.—BREAD—ZONING—*ss.* 14A–14E.

(2) Section 12 (9) (b)—

After "13,", insert "14D,".

(3) Part IIIA—

After Part III, insert :—

PART IIIA.

BREAD—ZONING.

Interpretation: Pt. IIIA.

14A. In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

"bread" does not include—

(a) bread of which at least 60 per cent of the flour or mill content is rye flour or rye mill; and

(b) bread of a prescribed class;

"bread zone" means an area declared to be a bread zone by an order in force under this Part;

"franchise agreement" means an agreement referred to in section 14C (b) (i), and includes—

(a) the renewal of any such agreement; and

(b) an agreement of a prescribed class;

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS—*continued*

"sell" includes offer for sale, expose for sale and have in possession for the purpose of sale.

Declaration of area as bread zone.

14B. (1) Subject to this Part, the Minister may, by order published in the Gazette, declare that an area in New South Wales specified in the order is a bread zone for the purposes of this Part.

(2) An area shall not be declared to be a bread zone if the area, or any part of the area, is in—

(a) the County of Cumberland; or

(b) the County of Northumberland or that part of the City of Newcastle which is outside the County of Northumberland.

(3) An order under subsection (1) takes effect on and from the date the order is published in the Gazette or a later date specified in the order.

Conditions precedent to declaration of area as bread zone.

14C. An area shall not be declared to be a bread zone unless—

(a) there is at least one bread manufacturer who manufactures, prepares and bakes bread in the area;

(b) where, during the period of 3 months before the area is declared to be a bread zone, a person sold bread in the area in the course of his business as a bread manufacturer or bread distributor and that bread was manufactured, prepared or baked in a place in New South Wales that is outside the area—

(i) that person and a bread manufacturer referred to in paragraph (a) have entered

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS—*continued*

into an agreement which, in the opinion of the Minister, provides for the continuation of the sale of bread in the area by that person; or

(ii) the bread manufacturers referred to in paragraph (a) have, in the opinion of the Minister, taken all reasonable steps to enter into such an agreement; and

(c) the Minister is satisfied that, after the area is declared to be a bread zone, there will be sufficient bread of a satisfactory quality and variety available for sale in the area to meet the requirements of residents in the area.

Restriction on sale of bread in bread zone.

14D. (1) A person shall not sell any bread in a bread zone unless—

(a) the bread was manufactured, prepared and baked in the bread zone;

(b) the bread is sold pursuant to a franchise agreement;

(c) the bread was previously sold in the bread zone pursuant to a franchise agreement;

(d) the bread was manufactured, prepared or baked outside the bread zone by a person who had, before the area was declared to be a bread zone, purchased the business of a bread manufacturer who manufactured, prepared and baked bread in that area; or

(e) the sale of the bread is exempted from the provisions of this section by the regulations.

Penalty: for a first offence, $350; for a second offence, $750; for a subsequent offence, $1,500.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS—*continued*

(2) It is a defence to a prosecution for an offence arising under subsection (1) if the defendant proves that—

(a) he obtained the bread to which the information relates from another person; and

(b) he did not know, and had no reasonable cause for believing, that the bread was not such as might be sold without his committing an offence under subsection (1).

(3) Subsection (1) does not apply to the sale of—

(a) bread manufactured, prepared or baked outside New South Wales; or

(b) food prepared with bread.

Revocation of order declaring an area to be a bread zone.

14E. The Minister may revoke an order declaring an area to be a bread zone at any time and for any reason he thinks fit and, in particular, may revoke such an order if he is satisfied that—

(a) there is insufficient bread of a satisfactory quality and variety available for sale in the bread zone to meet the requirements of residents in the bread zone;

(b) a bread manufacturer who manufactures, prepares and bakes bread in the bread zone—

(i) has contravened any provision of this Act or the regulations; or

(ii) has not carried out his obligations under a franchise agreement; or

(c) bread is no longer manufactured, prepared and baked in the bread zone.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO ZONING FOR BREAD MANUFACTURERS—*continued*

(4) (a) Section 23 (1) (b)—

Omit "and".

(b) Section 23 (1) (c)—

Omit "manufacturing.", insert instead "manufacturing; and".

(c) Section 23 (1) (d)—

After section 23 (1) (c), insert :—

(d) when so directed by the Minister, to make recommendations to the Minister in respect of the declaration of an area as a bread zone under Part IIIA.

SCHEDULE 2. Sec. 3.

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES.

(1) Section 13 (6)—

Omit "One hundred dollars", insert instead "$300".

(2) Section 19A (1)—

Omit "for a first offence, $200; for a second offence, $400; for a subsequent offence, $1,000", insert instead "for a first offence, $350; for a second offence, $750; for a subsequent offence, $1,500".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES—*continued.*

(3) Section 19B (1)—

Omit "$200", insert instead "$300".

(4) Section 19C (2)—

Omit "$200", insert instead "$300".

(5) Section 29 (1)—

Omit "one hundred dollars, for a second offence to a penalty not exceeding two hundred and fifty dollars, and for a third or subsequent offence to a penalty not exceeding five hundred dollars", insert instead "$350, for a second offence to a penalty not exceeding $750, and for a third or subsequent offence to a penalty not exceeding $1,500".

(6) Section 30 (5A)—

After section 30 (5), insert :—

(5A) Notwithstanding anything in any Act, where any person other than a corporate body is, by any conviction or order, adjudged to pay any fine, penalty, sum of money or costs in respect of an offence, section 82 of the Justices Act, 1902—

(a) operates in respect of that person in the same way as it would operate if that person were a corporate body; and

(b) except as provided by paragraph (a), has no operation in respect of that person.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO PENALTIES—*continued.*

(7) Section 32 (2)—

Omit "forty dollars", insert instead "$100".

SCHEDULE 3. **Sec. 3.**

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO TIMES FOR BAKING AND DELIVERY OF BREAD.

(1) Section 5 (1), definition of "distribution centre"—

Omit the definition.

(2) Section 6 (2)—

Omit "male".

(3) (a) Section 8 (2) (b)—

Omit "different areas,".

(b) Section 8 (2) (c)—

Omit "an area", insert instead "New South Wales".

(4) (a) Section 9 (1)—

Omit the subsection.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, RELATING TO TIMES FOR BAKING AND DELIVERY OF BREAD—*continued.*

(b) Section 9 (2)—

Omit the subsection, insert instead :—

(2) For the purposes of this section, a person delivers bread if for any purpose of, or in the course of, trade or sale he delivers, either by himself or by his employee or agent, bread by vehicle or other receptacle to a purchaser, other than his employer, whether the bread was manufactured, prepared or baked in or outside New South Wales.

(c) Section 9 (3)—

Omit the subsection.

(d) Section 9 (4) (c)—

Omit "an area", insert instead "any part of New South Wales".

(e) Section 9 (4) (c)—

Omit "that area", insert instead "that part of New South Wales".

Sec. 3.

SCHEDULE 4.

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION.

(1) Section 4 (1), definition of "Under Secretary"—

Omit "Department of Labour and Industry", insert instead "Department of Industrial Relations and Technology".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(2) (a) Section 5 (1), definition of "employee"—

Omit "and 'employed' has a corresponding meaning;".

(b) Section 5 (2) (c)—

Omit "City of Greater Wollongong", insert instead "City of Wollongong".

(3) (a) Section 6 (4) (d) (ii)—

Omit "City of Greater Wollongong", insert instead "City of Wollongong".

(b) Section 6 (5)—

Omit "subparagraph (ii) of paragraph (d) of subsection (4)", insert instead "subsection (4) (d) (ii)".

(4) (a) Section 7 (3), definition of "area"—

Omit "subsection (2) of section 5", insert instead "section 5 (2)".

(b) Section 7 (3), definition of "area"—

Omit "subsection (2) of section 6", insert instead "section 6 (2)".

(c) Section 7 (3), definition of "prescribed baking hours"—

(i) From paragraph (a), omit "subparagraph (i) of paragraph (d) of subsection (4) of section 6", insert instead "section 6 (4) (d) (i)".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(ii) From paragraph (b), omit "subparagraph (ii) of that paragraph", insert instead "section 6 (4) (d) (ii)".

(iii) From paragraph (c), omit "subsection (2) of section 6", insert instead "section 6 (2)".

(5) (a) Section 8 (2) (d) (ii)—

Omit "City of Greater Wollongong", insert instead "City of Wollongong".

(b) Section 8 (3)—

Omit "subparagraph (ii) of paragraph (d) of subsection (2)", insert instead "subsection (2) (d) (ii)".

(6) (a) Section 9 (4) (a)—

Omit "subparagraph (i) of paragraph (d) of subsection (2) of section 8", insert instead "section 8 (2) (d) (i)".

(b) Section 9 (4) (b)—

Omit "subparagraph (ii) of that paragraph", insert instead "section 8 (2) (d) (ii)".

(7) Section 10 (2) (c)—

Omit "same Act", insert instead "same act".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(8) (a) Section 11 (4)—

Omit "subparagraph (i) of paragraph (d) of subsection (4) of section 6 or subparagraph (i) of paragraph (d) of subsection (2) of section 8", insert instead "section 6 (4) (d) (i) or section 8 (2) (d) (i)".

(b) Section 11 (4)—

Omit "paragraph (a) of subsection (2) of section 74 thereof", insert instead "section 74 (2) (a) of that Act".

(9) Section 17 (3) (a)—

Omit "Department of Public Health, the Department of Labour and Industry", insert instead "Health Commission of New South Wales, the Department of Industrial Relations and Technology".

(10) (a) Section 22 (8)—

Omit "subsection (5) of section 21", insert instead "section 21 (5)".

(b) Section 22 (13)—

Omit "subsection (5) of section 21", insert instead "section 21 (5)".

(11) (a) Section 26 (1) (b)—

Omit "subsection (1) of section 25", insert instead "section 25 (1)".

SCHEDULE 4—*continued.*

AMENDMENTS TO THE BREAD ACT, 1969, BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 26 (1) (b)—

Omit "subsection (3) of section 24", insert instead "section 24 (3)".

(12) Section 27 (3)—

Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".

(13) Section 32 (1) (k)—

Omit "paragraphs (a) and (b) of subsection (1) of section 23", insert instead "section 23 (1) (a) and (b)".

(14) (a) Schedule 3—

Omit "subsection (3) of section 24", insert instead "section 24 (3)".

(b) Schedule 3—

Omit "subsection (1) of section 25", insert instead "section 25 (1)".

Sec. 4.

SCHEDULE 5.

SAVINGS AND TRANSITIONAL PROVISIONS.

Recovery of penalties.

1. Section 30 (5A) of the Bread Act, 1969, as inserted by this Act, does not apply to a conviction or an order made before the commencement of this Act.

SCHEDULE 5—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

2. An award made under the Industrial Arbitration Act, 1940, for the purposes of section 6 (2) of the Bread Act, 1969, and in force immediately before the commencement of this Act, shall be deemed to have been made for the purposes of that subsection, as amended by this Act.

Awards for the making and baking of bread.

3. (1) In this clause, "award" means an award made under the Industrial Arbitration Act, 1940, fixing starting and ceasing times for the delivery by employees who are bread carters or bread salesmen, by vehicle or other receptacle, of bread to purchasers and in force immediately before the commencement of this Act.

Awards for the delivery of bread.

(2) Any provision in an award which is inconsistent with Part II of the Bread Act, 1969, as amended by this Act, shall, to the extent of the inconsistency, have no force or effect.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 12th December, 1979.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980